

VZCZCXYZ0000
RR RUEHWEB

DE RUEHBU #0391/01 0931412
ZNR UUUUU ZZH
R 031412Z APR 09
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 3464

UNCLAS BUENOS AIRES 000391

SIPDIS

DEPT FOR S/TT, G/WI
DEPT ALSO FOR WHA/BSC

E.O. 12958: N/A
TAGS: [KWMN](#) [KPAO](#) [PHUM](#) [PREL](#) [AR](#)

SUBJECT: ARGENTINA PASSES NEW LAW TO PROTECT WOMEN FROM VIOLENCE

REF: BUENOS AIRES 0317

¶1. Summary. The Argentine Congress recently passed a law to prevent, punish, and eradicate violence against women. The new legislation replaces a national law on domestic violence that considered violence against women a misdemeanor and only penalized crimes against sexual integrity. The new law also aspires to change cultural attitudes by criminalizing the diffusion of stereotypical images that foment gender-based violence. The UN, Amnesty International, and a majority of local women's groups applauded the legislation, but noted that implementation will be a challenge given that the Congress did not appropriate funds for the law's ambitious agenda. Justice Ministry officials agree. Nevertheless, the law demonstrates increased government and public awareness of the need to develop an effective, coherent and coordinated policy to prevent and eradicate violence against women. As noted in reftel, the Ambassador subsequently issued a statement congratulating Congress for passing the law and wrote to congratulate the legislators who led the successful effort to pass legislation. Post will continue to seek opportunities to promote our message that a world free of violence against women not only advances gender equality, but also strengthens democracies. End Summary.

New Law Makes Violence against Women a Federal Crime

¶2. On March 11, the Chamber of Deputies passed a law (173-0-5) to prevent, punish, and eradicate violence against women which the Senate passed in November 2008. The five abstentions arose from lawmakers who were concerned that language in the law respecting a woman's right to decide the number and timing of pregnancies opens the door to decriminalization of abortion. The new legislation replaces a national law on domestic violence that only penalized crimes against sexual integrity. Under the previous law, violence against women was considered a misdemeanor and failed to recognize that violence against women can occur outside of their homes.

¶3. In article 4 of the new law, violence against women is defined as: "any behavior, act, or omission that directly or indirectly, in the public or private sphere, based on an unequal relationship of power, affects the life, freedom, dignity, or physical, psychological, sexual or economic integrity or security of women." But the law goes beyond physical violence, condemning psychological violence that causes "a loss of self-esteem and seeks to degrade women or control their actions by means of threats, harassment, bullying, manipulation, isolation, feelings of guilt, demands for obedience, excessive jealousy, ridicule, etc." It also takes aim at sexual, economic or symbolic violence in the home, public institutions or workplace. According to press reports, the new law makes unequal pay for equal work as well as work requirements related to age, physical appearance or maternity a violation of women's rights. The law also covers marital rape, sexual abuse, human trafficking for the purposes of sexual exploitation, violence or abuse during childbirth and obstacles to reproductive freedom. The law does not appear, however, to recognize dating violence, stalking, or cyberstalking as crimes.

¶4. The law also aspires to diminish socio-cultural patterns that encourage gender violence by criminalizing the diffusion of stereotypical images through any form of communication that promotes the exploitation or humiliation of women, such as pornographic messages or images that foment gender-based violence. The law adds that violence against women includes behavior, actions or omissions on the part of the state or its agents that aims to delay, impede, or prevent women from exercising their rights outlined in the law.

LAW CREATES NEW OBSERVATORY ON VIOLENCE AGAINST WOMEN

¶5. The law creates an "Observatory on Violence against Women" under the National Women's Council. The Observatory's mission will be to monitor all cases of violence against women in Argentina and evaluate the effectiveness of public policies to eradicate gender-based violence. The law calls for the creation of a national hotline in order to provide victims with immediate care. It also stipulates that victims of violence should be referred to existing accommodation, legal and medical assistance programs. Article 9 calls for public awareness campaigns and the development, publication, and distribution of a service guide that will distribute information about assistance programs for victims of gender-based violence.

WOMEN'S GROUPS WELCOME NEW LAW, HIGHLIGHT CHALLENGES

¶6. The United Nations Population Fund (UNPF), the United Nations Development Fund for Women (UNIFEM), Amnesty International and a majority of local women's groups applauded the legislation, but noted that implementation will be a challenge. News agency "Inter Press Service", quoted UNPF official Eleonor Faur, as saying that the law's passage "is excellent news." She also underscored that the law defines violence against women "in a broad sense," based on a comprehensive concept of the phenomenon that is not limited to the family. Faur acknowledged, however, that the GOA faces "an immense challenge" in turning its promises into reality. She noted that institutions in charge of enforcing the law will have to be granted the authority and funds to effectively protect women. The law does not specifically allocate funds to implement its ambitious agenda, saying only that the state "will have to be equal to the commitments assumed, by providing an adequate budget as established by the law."

Amnesty International notes that the total budget for the National Women's Council is less than one-sixth of what is dedicated to promoting tourism, and that only a small fraction of the funds goes toward addressing violence. Two top Ministry of Justice officials (both women) leading efforts in these areas also told Ambassador on the margin of the Organization of American States Trafficking in Persons Conference in Buenos Aires that it will be a big challenge to implement the law, but it is vital that it now exists.

¶7. Critics of the law, such as Congresswoman Marcela Rodriguez, point out that the law does not prescribe penalties for violence against women. The law's author, Senator Marita Perceval explained to largest-circulation daily "Clarín" that the law was meant "to establish basic principles, criteria, and instruments of prevention, sanction, and ratification" and that the Congress is still working on developing complementary laws. Some opposition lawmakers have criticized the law for not taking into account the rights of women in prison.

COMMENT

¶8. It is heartening that there is increased government and public awareness of the need to develop an effective, coherent and coordinated policy to prevent and eradicate violence against women. According to a report by the local chapter of Amnesty International, violence against women is a generalized practice in Argentina, in the home and society. It estimates that in 2008 a woman died every two days as a result of domestic violence. According to local press reports, 4.5 million women a year in Argentina suffer some kind of gender violence and 52,351 complaints of domestic abuse were filed

at the Women's Police Stations in Buenos Aires Province in the first 10 months of 2008.

19. Soon after the law's passage, the Ambassador issued a statement congratulating Congress for passing the law and wrote to congratulate the legislators who led the successful effort to pass legislation (reftel). Post has worked to raise public awareness of this problem by publishing editorials in leading dailies "Clarín" and "La Nación", and highlighting the efforts of the Argentine government and civil society activists to eradicate violence against women in all its forms (reftel). We will continue to seek opportunities to promote our message that a world free of violence against women not only advances gender equality, but also strengthens democracies.

WAYNE